

INAUGURAL ADDRESS OF R. J. WALKER,
GOVERNOR OF KANSAS TERRITORY.

Delivered in Leavenworth, Kansas Territory, May 27, 1857.

FELLOW-CITIZENS OF KANSAS: At the earnest request of the President of the United States, I have accepted the position of governor of the Territory of Kansas. The President, with the cordial concurrence of all his cabinet, expressed to me the conviction that the condition of Kansas was fraught with imminent peril to the Union, and asked me to undertake the settlement of that momentous question, which has introduced discord and civil war throughout your borders, and threatens to involve you and our country in the same common ruin. This was a duty thus presented, the performance of which I could not decline consistently with my view of the sacred obligation which every citizen owes to his country.

The mode of adjustment is provided in the act organizing your Territory—namely, by the people of Kansas, who, by a majority of their own votes, must decide this question for themselves in forming their State constitution.

Under our practice the preliminary act of framing a State constitution is uniformly performed through the instrumentality of a convention of delegates chosen by the people themselves. That convention is now about to be elected by you under the call of the territorial legislature created and still recognized by the authority of Congress, and clothed by it, in the comprehensive language of the organic law, with full power to make such an enactment. The territorial legislature, then, in assembling this convention, were fully sustained by the act of Congress, and the authority of the convention is distinctly recognized in my instructions from the President of the United States. Those who oppose this course cannot aver the alleged irregularity of the territorial legislature, whose laws in town and city elections, in corporate franchises, and on all other subjects but slavery they acknowledge by their votes and acquiescence. If that legislature was invalid, then are we without law or order in Kansas, without town, city, or county organization, all legal and judicial transactions are void, all titles null, and anarchy reigns throughout our borders.

It is my duty, in seeing that all constitutional laws are fairly executed, to take care, as far as practicable, that this election of delegates to the convention shall be free from fraud or violence, and that they shall be protected in their deliberations.

The people of Kansas, then, are invited by the highest authority known to the constitution to participate freely and fairly in the election of delegates to frame a constitution and State government. The law has performed its entire appropriation when it has conferred the right of the people to elect delegates, but it cannot compel the performance of that duty. Throughout our whole Union, however, and wherever free government prevails, those who abstain from the exercise of the right of suffrage authorize those who do vote to act for them in that contingency, and the absentee are as much bound under the law and constitution, where there is no fraud or violence, by the act of the majority of those who do vote as though all had participated in the election. Otherwise, as voting must be voluntary, self-government would be impracticable, and monarchy or despotism would remain as the only alternative.

You should not measure yourselves, my fellow-citizens, with the reflection that you may, by a subsequent vote, defeat the ratification of the constitution. Although most anxious to secure to you the exercise of that great constitutional right, and believing that the convention is the servant, and not the master of the people, yet I have no power to dissuade proceedings which are free from doubt, however, the course they will adopt on this subject. But my duty is to guard the preliminary formation of a constitution by a minority, as alleged by you, when a majority, by their own votes, could control the forming of that instrument.

But it is said that the convention is not legally called, and that the election will not be free and fairly conducted. The territorial legislature is the power ordained for this purpose by the Congress of the United States; and in opposing it you resist the authority of the federal government. That legislature was called into being by the Congress of 1854, and is recognized in every act of congressional legislation. It is recognized by the present Chief Magistrate of the Union, just chosen by the American people, and many of its acts are now in operation here by universal assent. As the governor of the Territory of Kansas, I must support the laws and the constitution; and I have no other alternative under my oath but to see that all constitutional laws are fully and fairly executed.

I see in this act calling the convention no improper or unconstitutional restrictions upon the right of suffrage. I see in it no test-oath or other similar provisions objected to in relation to previous laws, but clearly repealed as repugnant to the spirit of this act, so far as they relate to the election of delegates to this convention. It is said that a fair and full vote will not be taken. Who can safely predict such a result? Nor is it just for a majority, as they allege, to throw the power into the hands of a minority, from a mere apprehension—I trust entirely unfounded—that they will not be permitted to exercise the right of suffrage. If, by fraud or violence, a majority should not be permitted to vote, there is a remedy, it is hoped, in the wisdom and justice of the convention itself, acting under the obligations of an oath, and a proper responsibility to the tribunal of public opinion. There is a remedy, also, if such facts should be demonstrated to the Congress to admit a State into the Union under a constitution imposed by a minority upon a majority by fraud or violence. Indeed, I cannot doubt that the convention, after having framed a State constitution, will submit it for ratification or rejection, by a majority of the then actual bona fide settlers of Kansas.

With these views, well known to the President and cabinet, and approved by them, I accepted the appointment of governor of Kansas. My instructions from the President, through the Secretary of State, under date of the 30th of March last, sustain "the regular legislature of the Territory" in "and is recognized in every act of congressional legislation," and they express the opinion of the President that "when such a constitution shall be submitted to the people of the Territory they must be protected in the exercise of their right of voting for or against that instrument; and the fair expression of the popular will must not be interrupted by fraud or violence."

I repeat, then, my clear conviction, that unless the convention submit the constitution to the vote of the actual resident settlers of Kansas, and the election be fairly and justly conducted, the constitution will be, and ought to be, rejected by Congress.

There are other important reasons why you should participate in the election of delegates to this convention. Kansas is to become a new State, created out of the public domain, and will designate her boundaries in the fundamental law. To most of the land within her limits the Indian title, unfortunately, is not yet extinguished, and this land is exempt from settlement, to the grievous injury of the people of the State. Having passed many years of my life in the State, and having seen it a long period in the Senate of the United States, I know the serious encumbrance arising from large bodies of lands within a State to which the Indian title is not extinguished. Upon this subject the convention may act by such just and constitutional provisions as will accelerate the extinguishment of the Indian title.

There is furthermore, the question of railroad grants made by Congress to all the new States but one, (where the routes could not be agreed upon,) and, within a few months past, to the flourishing Territory of Minnesota. This munificent grant of four millions and a half of acres was made to Minnesota, even in advance of her becoming a State, under the promise of her president, and her executive, and will enable our sister State of the Northwest speedily to unite her railroad system with ours. Kansas is undoubtedly entitled to grants similar to those just made to Minnesota, and upon this question the convention may take important action.

These railroad grants by Congress, not to companies, but to States. Now, if Kansas, like the State of Illinois, in granting hereafter these lands to companies to build these roads, should reserve, at least, the seven per cent. of their gross annual receipts, it is quite certain that as soon as these roads are constructed, such will be the large payments into the treasury of our State that there will be no necessity to impose in Kansas any State tax whatever, especially if the constitution should contain wise provisions against the creation of State debts.

The grant to the State of Illinois for the Illinois Central railroad, passed under the same patriotic auspices of her distinguished senator, was made in the same spirit, and the lands were reserved in Washington and have descended the halls of Congress; and, therefore, that State, unlike most others which obtained recent grants, was enabled to make this great reservation for the benefit of the State. This constitutes of itself a conclusive reason why these railroad grants should be reserved in the ordinance accompanying our State constitution, so that our State might have the whole benefit of the grant, instead of large portions being given to agents appointed to obtain these grants by companies substantially in many cases for their own benefit, although in the name of the State.

It is another reason why these railroad grants should thus be reserved in our ordinance.

It is to secure these lands to the State before large bodies of them are engrossed by speculators, especially along the contemplated lines of railroads. In no case should these reservations interfere with the pre-emption rights reserved to settlers, or with school lands.

These grants to States, as is proved by the official documents, have greatly augmented the proceeds of the

sale of the public lands, increasing their value, accelerating their sale and settlement, and bringing enormous prices to the government, whilst greatly benefiting the lands of the settler by furnishing him new markets and diminished cost of transportation. On this subject, Mr. Buchanan, always the friend of the new States, in his recent inaugural, uses the following language:

"No nation in the tide of time has ever been blessed with so rich and noble an inheritance as we enjoy in the public lands. In administering this important trust, whilst it may be wise to grant portions of them for the improvement of the country, yet it is equally imperative to get that it is our cardinal policy to reserve the lands as much as may be for actual settlers; and this at moderate prices. We shall thus not only best promote the prosperity of the new States, by furnishing them a hardy and independent race of honest and industrious citizens, but shall secure homes for our children and our children's children, as well as those of foreign shores, who may seek in this country to improve their condition and enjoy the blessings of civil and religious liberty."

Our American railroads, now exceeding twenty-four thousand miles completed, have greatly advanced the power, prosperity, and progress of the country, whilst linking together in bonds of increasing commerce and intercourse, and tending, by these results, to soften or extinguish sectional passions and prejudice, and thus perpetuate the Union of the States. This system it is clearly the interest of the whole country shall progress until the States west of the Mississippi shall be intersected like the eastern river by a network of railroads, and until the whole, at various points, shall reach the shores of the Pacific. The policy of such grants by Congress is now clearly established; and whatever doubts may have prevailed in the minds of a few persons as to the constitutionality of such grants, when based only upon the transfer of a portion of the public domain, the language of the President of the United States, "the improvement of the remainder," yet when they are made, as now proposed in the ordinance accompanying our constitution, in consideration of our relinquishing the right to tax the public lands, such grants become, in fact, sales for ample equivalents, and their constitutionality is placed beyond all doubt. These grants, as for and in exchange, and in order that these grants may be made for ample equivalents, and upon grounds of clear constitutional authority, it is most wise that they should be included in our ordinance, and take effect by compact when the State is admitted into the Union. If my will could have prevailed, I would have included in the bill presented by me, as chairman of the Committee on Public Lands, to the Senate of the United States, which passed that body, but failed in the House, I would authorize no sales of these lands except for settlement and cultivation, and would have made a proviso, that a homestead of a quarter-section of land in favor of every actual settler, whether coming from other States or emigrating from Europe. Great and populous States would thus rapidly be added to the confederacy, until we should soon have one unbroken line of States from the Atlantic to the Pacific, giving immense additional power and security to the Union, and facilitating intercourse in all its parts. This would be alike beneficial to the old and to the new States. To the working men of the old States, as well as of the new, it would be of incalculable advantage, not merely by affording them a home in the West, but by maintaining the wages of labor, by enabling the working men to emigrate and become land-owners. When the rewards of daily toil should sink below a fair remuneration. Every new State, besides, adds to the numbers of the old States, consuming their manufactures, employing their merchants, giving business to their vessels and canals, their railroads and cities, and a powerful impetus to their industry and commerce. It is the growth of the mighty West which has added more than all other causes combined, to the power and prosperity of the whole country, whilst at the same time, through the channels of business and commerce, it has been building up immense cities in the eastern, Atlantic, and middle States, and rapid and secure communication with large payments from the settlers upon the public lands, rendered of real value only by their labor; and thus, from increased exports, bringing back augmented imports, and soon largely increasing the revenue of the government from that source also.

Without asking anything new from Congress, if Kansas can receive of the United States, under the act of March 3, 1857, all the lands, and use them judiciously, she can not only speedily cover herself with a network of railroads, but, by devoting all the rest to purposes of education, she would soon have a complete system of common schools, with normal schools, free academies, and a great university, in which the mechanic arts, with model workshops, and all the sciences should be taught, and especially agriculture in connection with a model farm.

Although you ask nothing more in your ordinance than has been already granted to the other new States, yet in view of the sacrifice of life and property incurred by the people of Kansas, in establishing here the great principles of State and popular sovereignty, and thus perpetuating the Union, Congress, doubtless, will regard with indulgent favor the new State of Kansas, and will welcome her into the Union with joyful congratulations and a most liberal policy as to the public domain. The full benefit of that great measure, the graduation and reduction of the price of the public lands in favor of settlers and cultivators, so often urged by me in the Senate and in the Treasury Department, and finally adopted by Congress, should also be secured in our ordinance. Having witnessed in Wisconsin the deep injury inflicted upon them by large bodies of their fertile land being monopolized by speculators, I suggest, in accordance with the public policy ever advocated by me, that our entire land tax, under the constitution, for the next twenty years should be confined exclusively to unoccupied lands, and that no land should be sold to any person, except one of the actual bona fide settlers, and that the monopoly of our choice lands by speculators, in fact, to see our convention exercise the whole constitutional power of a State, to guard our rights and interests, and especially to protect the settlers and cultivators against the monopoly of our public domain by speculators.

As regards the school lands of the new States, the following views will be found in my reports of the 8th of December, 1847, and 9th of December, 1848, as Secretary of the Treasury of the United States:

"The recommendation contained in my last report for the establishment of a school system, and the extension thereof of our revenue law, is again respectfully presented to the consideration of Congress, together with donations of farms to settlers and emigrants, and the grant of a school section in the center of every quarter of a township, which would bring the school-house within a point not exceeding a mile and a half in distance from the most remote inhabitant of such quarter township."

And again:

"My last report recommended the grant of one section of land for schools in every quarter township in Oregon. Congress, to some extent, adopted this recommendation by granting two school sections in every township, instead of one. It is respectfully suggested that even this extended grant is still inadequate in amount, whilst the location is inconvenient, and too remote for a school which all can attend. The subject is again presented to the attention of Congress, with the recommendation that it should be altered so as to grant one section of land to all the new States and Territories containing the public domain."

Acting upon the first of these recommendations, but not carrying them fully into effect, Congress doubled the school-section grants—an advance upon the former system. But, in my judgment, the benefits intended will be secured only by the permanent grant of one section of two are granted in every township, locating the school section in the center of every quarter township; thus, by only doubling the school sections, causing every section of the public domain in the new States to adjoin a school section, which would add immensely to the value of the land, and thus, by the same act, affording an adequate fund not only for the establishment of common schools in every township, but of high schools, normal schools, and free academies, which, together with the five-per-cent. fund and university grant before referred to, would place Kansas in a few years, in point of science and education, in the front rank of the States of the American Union, and of the world. This is another advantage regarded by me with intense interest, inasmuch as my highest hope of the perpetuity of our Union, and of the continued success of self-government, is based upon the progressive education and enlightenment of the people, enabling them fully to comprehend their own true interests, and to resist the temptations of the passions, and the power of demagogues, the control of sectional passions and prejudice, the progress of the arts and sciences, and the accumulation of knowledge, which is every day more and more becoming real power, and which will advance so much the great interests of our whole country.

These noble grants for schools and education in some of the new States have not produced all the advantages designed, for want of adequate checks and guards against improvident legislation; but I trust that the convention, by a distinct constitutional provision, will surround these lands with such guarantees, legislative, executive, judicial, and popular, as to require the combined action of the whole people, before any of these lands shall be alienated, and thus, by the legislature in the hands of a few, shall be sacrificed to the interests of a few.

It will be observed that these school sections and the five-per-cent. fund, or their equivalent, have always been made good to the new States by Congress, otherwise the lands would be sold in trust, for Indians, or otherwise. Upon looking at the location of Kansas, extending from North to South, and from the Atlantic to the Pacific, I find, that, within reasonable boundaries, she would be the central State of the American Union. On the north lies the Nebraska Territory, soon to become a State; on the south the great and fertile southwestern Indian Territory, soon, I hope, to become a State also. To the boundary of the Missouri Territory, and the great northwestern territory, and Texas would connect her with New Orleans, and with Galveston, with all the roads of Arkansas, and through Texas to San Francisco, and other points on the Pacific; northward and eastward our lines would connect with the roads of Iowa, Illinois, Wisconsin, Nebraska, Minnesota, and the people of Kansas who, forming their State constitution, are to declare the terms on which they propose to enter the Union. Congress cannot compel the people of a Territory to enter the Union as a State, or change, without their consent, the constitution framed by the people. Congress, it is true, may for constitutional reasons refuse admission, but the State alone, in forming her constitution, can prescribe the terms on which she will enter the Union. This power of the people of a Territory in forming a State constitution is one of vital importance, especially in the States carved out of the public domain. Nearly all the lands of Kansas are public lands, and most of them are occupied by Indian tribes. These lands are the property of the federal government, but their right is exclusively that of a proprietor, carrying with it no political power.

Although the States cannot tax the constitutional functions of the federal government, they may assess its real estate, and the United States, in consequence of the authority of the Supreme Court of the United States, may tax the ground on which they stand, unless exempted by State authority. Such is the well-settled doctrine of the Supreme Court of the United States. In 1838 Judge McLean, of the Supreme Court of the United States, made the following declaration:

"The United States held the proprietary right under the act of cession, and also the right of sovereignty until the State government was established; but the mere proprietary right, if it exist, gives no right of sovereignty. The United States may own land within a State, but political jurisdiction does not follow this ownership. Where jurisdiction is necessary, as for and in exchange, and in consideration of our relinquishing the right to tax the public lands, such grants become, in fact, sales for ample equivalents, and upon grounds of clear constitutional authority, it is most wise that they should be included in our ordinance, and take effect by compact when the State is admitted into the Union. If my will could have prevailed, I would have included in the bill presented by me, as chairman of the Committee on Public Lands, to the Senate of the United States, which passed that body, but failed in the House, I would authorize no sales of these lands except for settlement and cultivation, and would have made a proviso, that a homestead of a quarter-section of land in favor of every actual settler, whether coming from other States or emigrating from Europe. Great and populous States would thus rapidly be added to the confederacy, until we should soon have one unbroken line of States from the Atlantic to the Pacific, giving immense additional power and security to the Union, and facilitating intercourse in all its parts. This would be alike beneficial to the old and to the new States. To the working men of the old States, as well as of the new, it would be of incalculable advantage, not merely by affording them a home in the West, but by maintaining the wages of labor, by enabling the working men to emigrate and become land-owners. When the rewards of daily toil should sink below a fair remuneration. Every new State, besides, adds to the numbers of the old States, consuming their manufactures, employing their merchants, giving business to their vessels and canals, their railroads and cities, and a powerful impetus to their industry and commerce. It is the growth of the mighty West which has added more than all other causes combined, to the power and prosperity of the whole country, whilst at the same time, through the channels of business and commerce, it has been building up immense cities in the eastern, Atlantic, and middle States, and rapid and secure communication with large payments from the settlers upon the public lands, rendered of real value only by their labor; and thus, from increased exports, bringing back augmented imports, and soon largely increasing the revenue of the government from that source also."

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Although the States cannot tax the constitutional functions of the federal government, they may assess its real estate, and the United States, in consequence of the authority of the Supreme Court of the United States, may tax the ground on which they stand, unless exempted by State authority. Such is the well-settled doctrine of the Supreme Court of the United States. In 1838 Judge McLean, of the Supreme Court of the United States, made the following declaration:

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"The United States held the proprietary right under the act of cession, and also the right of sovereignty until the State government was established; but the mere proprietary right, if it exist, gives no right of sovereignty. The United States may own land within a State, but political jurisdiction does not follow this ownership. Where jurisdiction is necessary, as for and in exchange, and in consideration of our relinquishing the right to tax the public lands, such grants become, in fact, sales for ample equivalents, and upon grounds of clear constitutional authority, it is most wise that they should be included in our ordinance, and take effect by compact when the State is admitted into the Union. If my will could have prevailed, I would have included in the bill presented by me, as chairman of the Committee on Public Lands, to the Senate of the United States, which passed that body, but failed in the House, I would authorize no sales of these lands except for settlement and cultivation, and would have made a proviso, that a homestead of a quarter-section of land in favor of every actual settler, whether coming from other States or emigrating from Europe. Great and populous States would thus rapidly be added to the confederacy, until we should soon have one unbroken line of States from the Atlantic to the Pacific, giving immense additional power and security to the Union, and facilitating intercourse in all its parts. This would be alike beneficial to the old and to the new States. To the working men of the old States, as well as of the new, it would be of incalculable advantage, not merely by affording them a home in the West, but by maintaining the wages of labor, by enabling the working men to emigrate and become land-owners. When the rewards of daily toil should sink below a fair remuneration. Every new State, besides, adds to the numbers of the old States, consuming their manufactures, employing their merchants, giving business to their vessels and canals, their railroads and cities, and a powerful impetus to their industry and commerce. It is the growth of the mighty West which has added more than all other causes combined, to the power and prosperity of the whole country, whilst at the same time, through the channels of business and commerce, it has been building up immense cities in the eastern, Atlantic, and middle States, and rapid and secure communication with large payments from the settlers upon the public lands, rendered of real value only by their labor; and thus, from increased exports, bringing back augmented imports, and soon largely increasing the revenue of the government from that source also."

Without asking anything new from Congress, if Kansas can receive of the United States, under the act of March 3, 1857, all the lands, and use them judiciously, she can not only speedily cover herself with a network of railroads, but, by devoting all the rest to purposes of education, she would soon have a complete system of common schools, with normal schools, free academies, and a great university, in which the mechanic arts, with model workshops, and all the sciences should be taught, and especially agriculture in connection with a model farm.

Although you ask nothing more in your ordinance than has been already granted to the other new States, yet in view of the sacrifice of life and property incurred by the people of Kansas, in establishing here the great principles of State and popular sovereignty, and thus perpetuating the Union, Congress, doubtless, will regard with indulgent favor the new State of Kansas, and will welcome her into the Union with joyful congratulations and a most liberal policy as to the public domain. The full benefit of that great measure, the graduation and reduction of the price of the public lands in favor of settlers and cultivators, so often urged by me in the Senate and in the Treasury Department, and finally adopted by Congress, should also be secured in our ordinance. Having witnessed in Wisconsin the deep injury inflicted upon them by large bodies of their fertile land being monopolized by speculators, I suggest, in accordance with the public policy ever advocated by me, that our entire land tax, under the constitution, for the next twenty years should be confined exclusively to unoccupied lands, and that no land should be sold to any person, except one of the actual bona fide settlers, and that the monopoly of our choice lands by speculators, in fact, to see our convention exercise the whole constitutional power of a State, to guard our rights and interests, and especially to protect the settlers and cultivators against the monopoly of our public domain by speculators.

As regards the school lands of the new States, the following views will be found in my reports of the 8th of December, 1847, and 9th of December, 1848, as Secretary of the Treasury of the United States:

"The recommendation contained in my last report for the establishment of a school system, and the extension thereof of our revenue law, is again respectfully presented to the consideration of Congress, together with donations of farms to settlers and emigrants, and the grant of a school section in the center of every quarter of a township, which would bring the school-house within a point not exceeding a mile and a half in distance from the most remote inhabitant of such quarter township."

And again:

"My last report recommended the grant of one section of land for schools in every quarter township in Oregon. Congress, to some extent, adopted this recommendation by granting two school sections in every township, instead of one. It is respectfully suggested that even this extended grant is still inadequate in amount, whilst the location is inconvenient, and too remote for a school which all can attend. The subject is again presented to the attention of Congress, with the recommendation that it should be altered so as to grant one section of land to all the new States and Territories containing the public domain."

Acting upon the first of these recommendations, but not carrying them fully into effect, Congress doubled the school-section grants—an advance upon the former system. But, in my judgment, the benefits intended will be secured only by the permanent grant of one section of two are granted in every township, locating the school section in the center of every quarter township; thus, by only doubling the school sections, causing every section of the public domain in the new States to adjoin a school section, which would add immensely to the value of the land, and thus, by the same act, affording an adequate fund not only for the establishment of common schools in every township, but of high schools, normal schools, and free academies, which, together with the five-per-cent. fund and university grant before referred to, would place Kansas in a few years, in point of science and education, in the front rank of the States of the American Union, and of the world. This is another advantage regarded by me with intense interest, inasmuch as my highest hope of the perpetuity of our Union, and of the continued success of self-government, is based upon the progressive education and enlightenment of the people, enabling them fully to comprehend their own true interests, and to resist the temptations of the passions, and the power of demagogues, the control of sectional passions and prejudice, the progress of the arts and sciences, and the accumulation of knowledge, which is every day more and more becoming real power, and which will advance so much the great interests of our whole country.

These noble grants for schools and education in some of the new States have not produced all the advantages designed, for want of adequate checks and guards against improvident legislation; but I trust that the convention, by a distinct constitutional provision, will surround these lands with such guarantees, legislative, executive, judicial, and popular, as to require the combined action of the whole people, before any of these lands shall be alienated, and thus, by the legislature in the hands of a few, shall be sacrificed to the interests of a few.

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alone entitled to your sympathy and consideration, even if he were happier as a freeman than as a slave, either here or in St. Domingo, or the British West Indies or Spanish America, where the emancipated slave has received the most generous and liberal treatment, and is now descending scale of moral, physical, and intellectual degradation. Have our white brethren of the great American and European race no claims upon our attention? Have they no rights or interests entitled to regard and protection? Shall the destiny of the African in Kansas exclude all considerations connected with our own happiness and progress? Shall we determine for the African race in Kansas, or that may be hereafter introduced, that we should subvert the Union and the great principles of